

Notice of Allowability

Application No.

09/662,463

Examiner

Jonathan Ouellette

Applicant(s)

PETRUCCELLI ET AL.

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/30/2007.
2. ☒ The allowed claim(s) is/are 1-3, 5, 7-15, 17-22, 24-26, 28, 30, 32, and 33 are.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

Request for Continued Examination

1. The Request filed on 10/30/2007 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/662,463 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

1. Claims 4, 6, 16, 23, 27, 29, and 31 have been cancelled, and Claim 33 has been added; therefore, Claims 1-3, 5, 7-15, 17-22, 24-26, 28, 30, 32, and 33 are currently pending in application 09/662,463.

Claim Rejections - 35 USC § 112

2. The rejection of Claims 1, 8, 13, 20, and 33 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, is withdrawn due to Applicant's amendments.

Claim Rejections - 35 USC § 103

3. The rejection of Claims 1-3, 5, 7-15, 17-22, 24-26, 28, 30, 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over Taufique (WO 01/20518 A1) in view of Lauffer (US 6,223,165 B1), in view of Gerace (US 5,991,735), and further in view of DeLorme et al. (US 5,948,040), is withdrawn due to Applicant's amendments.

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Allowable Subject Matter

4. Claims 1-3, 5, 7-15, 17-22, 24-26, 28, 30, 32, and 33 are allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

December 22, 2007

JONATHAN OUELLETTE
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

